

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 /053 W

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O 201730Z JUL 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 6449

C O N F I D E N T I A L MADRID 5585

E.O.11652: GDS

TAGS: PFOR, SP

SUBJECT: FOREIGN MINISTER'S CONCERN OVER LANGUAGE IN
US INSTRUMENT OF RATIFICATION

1. WHEN I SAW FOREIGN MINISTER OREJA JULY 20 HE
RAISED WITH ME HIS CONCERN THAT THE US INSTRUMENT
OF RATIFICATION MIGHT INCLUDE THE LANGUAGE CON-
TAINED IN THE SENATE RESOLUTION OF JUNE 21. HE
THOUGHT THAT THE INCLUSION OF THE TEXT OF THE
RESOLUTION WITH ITS DECLARATION EITHER IN THE BODY
OF THE INSTRUMENT OF RATIFICATION ANNEXED TO THAT
INSTRUMENT WOULD HAVE A BAD EFFECT ON PUBLIC OPINION
AND WOULD CAUSE PROBLEMS FOR THE GOVERNMENT. THE
LANGUAGE OF THE DECLARATION WOULD BE INTERPRETED AS
INTERFERENCE IN THE DOMESTIC AFFAIRS OF SPAIN AND
SOME MIGHT SEE IT AS HAVING BECOME AN INTEGRAL PART
OF THE TREATY. HE ASKED ME URGENTLY TO INQUIRE
WHETHER THERE WAS NO SOME WAY THAT A REFERENCE
TO THE SENATE RESOLUTION COULD BE MADE, BUT WITHOUT
INCLUDING THE TEXT OF THAT RESOLUTION.

2. I TOLD OREJA THAT WE HAD ALREADY DISCUSSED
THIS MATTER WITH THE DEPARTMENT AND THAT LEGAL
EXPERTS WERE LOOKING INTO THE QUESTION. I PROMISED
THAT I WOULD REPORT IMMEDIATELY HIS PERSONAL
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CONCERN AS EXPRESSED TO ME.

3. COMMENT: THE GOS CONCERN STEMS MAINLY FROM THE VIEW THAT IF OUR INSTRUMENT OF RATIFICATION CONTAINS THE TEXT OF THE SENATE RESOLUTION, THERE MAY BE SOME BELIEF AMONGST THE SPANIARDS THAT THE "DECLARATION" CONTAINED IN THE RESOLUTION IS AN INTEGRAL PART OF THE TREATY AGREED TO BETWEEN US AND SPAIN. OREJA FULLY UNDERSTANDS THAT THE SENATE MAY UNILATERALLY DECLARE WHAT IT WISHES, BUT THAT THIS DOES NOT CHANGE THE TREATY AS SIGNED BETWEEN THE TWO COUNTRIES.

4. I AM MOST RELUCTANT AT THIS STAGE OF THE GAME TO SEE ANOTHER OBSTACLE PLACED IN THE WAY OF THE FINAL APPROVAL AND IMPLEMENTATION OF THE TREATY. COULD NOT OUR INSTRUMENT OF RATIFICATION STATES ONLY "THE SENATE, BY ITS RESOLUTION OF JUNE 21, 1976 GAVE ITS ADVICE AND CONSENT ETC, ETC" THIS REFERENCE CLEARLY PINPOINTS THE RESOLUTION CONTAINING THE "DECLARATION" WHICH, AS I UNDERSTAND IT, IS ONLY A "DECLARATION" AND NOT A "RESERVATION". IT WOULD SEEM TO ME THAT THIS GENERAL REFERENCE WOULD FULLY MEET BOTH OUR NEEDS AND THOSE OF THE GOS. STABLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, TEXT, OFFICIAL LANGUAGE, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 20 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MADRID05585
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760279-0536
From: MADRID
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760741/aaaabjvc.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2004 by MartinML>; APPROVED <07 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FOREIGN MINISTER'S CONCERN OVER LANGUAGE IN US INSTRUMENT OF RATIFICATION
TAGS: PFOR, SP, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006